



CrI.O.P.No.25 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.25 of 2025

P.Parath Harish @ Bharath

... Petitioner

Vs.

State represented by
The Inspector of Police,
Sundarapuram Police Station,
Coimbatore City.
(Crime No:276 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in the event of arrest or surrender in connection in Crime No.276 of 2024 on the file of the respondent Police.

For Petitioner : Mr.K.Pragadeesh Kumar

For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

Apprehending arrest in connection with Crime No.276 of 2024 registered for the offences punishable under Sections 309(6), 311, 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution as per the defacto complainant Mugilan is that he is studying first year, B.Sc CDF in Sri Krishna Arts and Science College and the second year B.Com and B.B.A students used to tease the defacto complainant and his friends. While so, on 20.12.2024, when the defacto complainant was in hostel room, the accused visited his hostel room and assaulted the defacto complainant and taken away mobile phones and laptop and also snatched 1 ½ sovereigns of chain from the defacto complainant. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and the case of fight between the students has been exaggerated and a false complaint has been given. He further submits that the petitioner and the accused are second year students and the defacto complainant is the first year student in the same college. There was previous enmity between them during college cultural festival. Further, the petitioner is only 18 years old and the petitioner's parents have also spoken to the parents of the defacto



complainant and settlement talks are going on to ensure that the dispute between the students is resolved. He also submits that the cell phone and laptop have been recovered from the other accused. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl.Side) appearing for the respondent opposing for grant of anticipatory bail is that the petitioner is A1 in this case. The defacto complainant and the petitioner and his friends are studying in the same college. The petitioner along with his friends, trespassed into the hostel room of the defacto complainant and assaulted him and taken away mobile phones and laptop and also snatched 1 ½ sovereigns of chain. Some of the accused have been arrested and mobile phones and laptop have been recovered and the chain is yet to be recovered.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the



CrI.O.P.No.25 of 2025

petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Madukkarai, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), each with two sureties (**out of which, one of the sureties should be either the father or mother of the petitioner**), each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

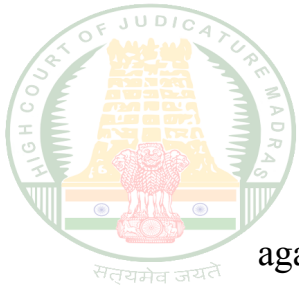
[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 06.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action



CrI.O.P.No.25 of 2025

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against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

06.01.2025

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To

1. The Inspector of Police,
Sundarapuram Police Station,
Coimbatore City.

2. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25 of 2025

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.25 of 2025

06.01.2025